

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NATHAN ROBERTS, et al.)	Case No. 1:23-CV-1597
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	Magistrate Judge James E. Grimes, Jr.
)	
PROGRESSIVE PREFERRED)	
INSURANCE COMPANY, et al.)	
)	
Defendants)	

MOTION OF DEFENDANT CIRCULAR BOARD INC. FOR ADMISSION
PRO HAC VICE OF DAVID M. FOSTER

Pursuant to Rule 83.5(h) of the Local Civil Rules of the United States District Court for the Northern District of Ohio, Defendant Circular Board Inc.,¹ by and through undersigned counsel, hereby moves this Court for an Order permitting David M. Foster to appear and participate in this case *pro hac vice* as co-counsel of record for Defendant Circular Board Inc. In support of this Motion for *pro hac vice* admission to the bar of this Court, the undersigned states the following:

1. Mr. Foster's Declaration in support of this Motion is attached hereto as Exhibit "A" and incorporated by reference herein.
2. Mr. Foster is a Partner with the law firm of Hogan Lovells US LLP in its Washington, D.C. office.

¹ Plaintiff's Complaint incorrectly names Defendant Circular Board Inc. as Circular Board LLC.

3. Mr. Foster represents that the following is a list of jurisdictions in which he is licensed to practice law, including dates of admission to practice, and any attorney registration numbers:

- District of Columbia: Admitted May 12, 2006, Bar No. 497981.
A true copy of a Certificate of Good Standing from the District of Columbia Bar is attached hereto as Exhibit “B” and incorporated by reference herein.
- U.S. District Court for the District of Columbia: Admitted April 2, 2012.
- U.S. District Court for the Northern District of Illinois: Admitted December 20, 2016, Bar No. ILND-GB-13506.
- U.S. Court of Appeals for the Tenth Circuit: Admitted January 10, 2020.
- U.S. Court of Appeals for the District of Columbia Circuit: Admitted August 24, 2022.

4. Mr. Foster’s office address, telephone number, facsimile number and email address are as follows:

David M. Foster
HOGAN LOVELLS US LLP
555 13th Street, NW
Washington, D.C. 20004
Telephone: (202) 637-5573
Facsimile: (202) 637-5910
david.foster@hoganlovells.com

5. Mr. Foster states he has never been disbarred or suspended from the practice of law before any court, department, bureau or commission of any State or the United States, nor has he ever received any reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar.

6. Mr. Foster understands that admission *pro hac vice* before this Court subjects him to the disciplinary jurisdiction of this Court. He agrees to adhere to and be bound by all local rules of the Court.

7. Defendant Circular Board Inc. is also being represented in this action by the undersigned counsel who are licensed to practice law in Ohio and in the Northern District of Ohio.

8. The \$120.00 admission fee is being paid simultaneously with the submission of this Motion.

For the foregoing reasons, Defendant Circular Board Inc. respectfully requests this Court grant its Motion for Admission *Pro Hac Vice* of David M. Foster. A proposed Order is also attached hereto for the convenience of the Court.

Dated this 23rd day of October, 2023.

Respectfully submitted,

/s/ Dolores P. Garcia

Michael N. Ungar (0016989)

Dolores P. Garcia (0085644)

Halden R. Schwallie (0093665)

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munger@ulmer.com

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hschwallie@ulmer.com

Attorneys for Defendant Circular Board Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically this 23rd day of October, 2023. Notice of this filing will be sent to all parties by operation of the Court's Electronic filing system. Parties may access this filing through the Court's system.

/s/ Dolores P. Garcia _____

Dolores P. Garcia

*One of the Attorneys for Defendant Circular
Board Inc.*

EXHIBIT A

**UNITED STATES DISTRICT COURT
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)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	Magistrate Judge James E. Grimes, Jr.
)	
PROGRESSIVE PREFERRED)	
INSURANCE COMPANY, et al.)	
)	
Defendants.)	

**DECLARATION OF DAVID M. FOSTER IN SUPPORT OF THE
MOTION OF DEFENDANT CIRCULAR BOARD INC. FOR
HIS ADMISSION PRO HAC VICE**

I, David M. Foster, hereby declare, depose, attest, state and aver as follows:

1. I respectfully wish to apply for permission to appear *pro hac vice* as co-counsel of record on behalf of Defendant Circular Board Inc. in the above captioned case.

2. I am admitted to practice and in good standing (i.e., currently authorized to practice as an attorney) in the following United States Court(s) and/or State's highest court(s):

District of Columbia: Admitted May 12, 2006

U.S. District Court for the District of Columbia: Admitted April 2, 2012

U.S. District Court for the Northern District of Illinois: Admitted
December 20, 2016

U.S. Court of Appeals for the Tenth Circuit: Admitted January 10, 2020

U.S. Court of Appeals for the District of Columbia Circuit: Admitted
August 24, 2022

3. I have never been disbarred or suspended from the practice of law before any court, department, bureau or commission of any State or the United States, nor have I ever received any reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar.

4. My contact information is:

David M. Foster
Hogan Lovells US LLP
555 13th Street NW
Washington, D.C. 20004
Telephone: (202) 637-5573
Facsimile: (202) 637-5910
david.foster@hoganlovells.com

5. I will be associated with Michael N. Ungar, Dolores P. Garcia and Halden R. Schwallie, members in good standing of the bar of this Court, as counsel for Defendant Circular Board Inc.

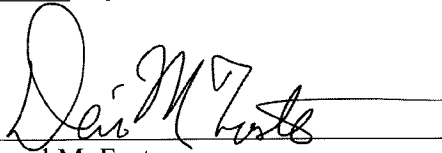
6. By this appearance, I hereby affirm that all motions, pleadings and papers signed by me or on my behalf in this case shall constitute a certificate, whether or not such papers affirm or verify, that I have read the pleading, motion or paper, and to the best of my knowledge, information and belief there is good ground to support it and that it is not intended for purposes of delay.

7. I agree to be bound by all applicable rules of procedure, ethics and professional conduct in force in this jurisdiction, including without limitation the Local Rules of the Court.

8. The administrative fees required to process the Motion for Admission *pro hac vice* will be paid to the Clerk of this Court at the time of filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Washington, D.C., on this 14th day of October, 2023.



David M. Foster

EXHIBIT B



*On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that*

David M Foster

*was duly qualified and admitted on May 12, 2006 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, an Active member in good
standing of this Bar.*

*In Testimony Whereof,
I have hereunto subscribed my
name and affixed the seal of this
Court at the City of
Washington, D.C., on September 28, 2023.*

Julio A. Castillo
JULIO A. CASTILLO
Clerk of the Court

Issued By:

A handwritten signature in black ink, appearing to read "David Chu".

David Chu - Director, Membership
District of Columbia Bar Membership

*For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbbar.org.*